

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

DALE DRISCOLL,

Petitioner,

vs.

WARDEN, LEBANON CORRECTIONAL
INSTITUTION,

Respondent.

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Case No. 3:10cv336

Court of Appeals No. 12-3489

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JUDGE WALTER HERBERT RICE

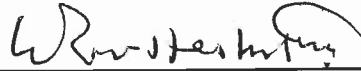
DECISION AND ENTRY REAFFIRMING COURT'S DECISION NOT TO
GRANT CERTIFICATE OF APPEALABILITY AND REQUEST TO
APPEAL *IN FORMA PAUPERIS*

On March 28, 2012, this Court filed a Decision and Entry in the captioned cause (attached) in which, while dismissing Petitioner's Petition for Writ of Habeas Corpus as procedurally defaulted and upon the merits, set forth the following language:

"Given that Petitioner has failed to make a substantial showing of the denial of a federal constitutional right and that this Court's decision rendered herein would not be debatable among jurists of reason, this Court denies petitioner a certificate of appealability. Further, given that any appeal from this Court's decision would be objectively frivolous, this court denies an anticipated request to appeal *in forma pauperis*."

It is the purpose of this opinion to affirm, by separate order, this Court's Decision of March 28, 2012, denying Petitioner both a certificate of appealability and any anticipated request to appeal *in forma pauperis*.

August 13, 2012



WALTER HERBERT RICE
UNITED STATES DISTRICT JUDGE

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